

REMARKS

Claims 1 and 3 to 12 are in the application.

Reconsideration and withdrawal of the rejections of claims 1 and 3 to 12 under 35 U.S.C. 112, second paragraph, are respectfully requested.

Claim 1 has been amended to make it clear that line 6 of the claim refers to the movable roof part which is separated from the rear roof part. The movable roof part has a front section and a rear section. Accordingly, the raisable rear section of the movable roof part is the rear roof section. In other words, the movable roof part comprises a front section and a raisable rear section, wherein the movable roof part is separated from the rear roof part. Also, in claims 8 and 11, the phrase "can be" has been removed.

In claim 5, it has been made clear that the roof bow is provided for engaging under the rear section.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 102(b) as being anticipated by the German reference to Minatti, are also respectfully requested.

Applicant respectfully submits that the reference to Minatti is not correctly evaluated in the Office Action. When referring to the reference, the Examiner mentions reference numerals 1 and 13 as corresponding to the movable roof part, even though in the reference the entire roof is denoted by reference numeral 1.

Accordingly, the reference numeral 13 of the reference can only refer to a movable roof part. However, if this movable roof part, as is the case of the present application, is to extend from the wind shield frame to a rear roof part 12, then only the assembly of the three roof parts 13 one behind the other can be considered the "movable roof part".

Applicant respectfully submits that it is not correct to state that "a rear section of the movable roof part is raisable in such a way that a section located in front of the raisable section remains in a closed position" as asserted by the

Examiner. The drawing clearly shows, in Fig. 3 with respect to rigid roof parts and in Fig. 8 for roof parts with a cloth cover, that all three roof parts 13 are movable simultaneously. There is no condition at any moment where a rear portion of the movable roof part is open while a front roof part is closed. Moreover, the passage referred to by the Examiner only describes the nesting of all three roof parts 13 underneath the rear roof part 12, which acts like a hood cover. Accordingly, it is submitted that it is clear from the above that the reference to Minatti does not disclose or suggest the present invention as claimed.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on July 20, 2009.

By: _____

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Date: July 20, 2009